

ATTACHMENT
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12 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **IN AND FOR THE COUNTY OF LOS ANGELES**

15 **THE PEOPLE OF THE STATE OF CALIFORNIA,**

16 **Plaintiff,**

17 **v.**

18 **HOME DEPOT U.S.A., Inc., a Delaware**
19 **Corporation, and DOES 1 through 99,**

20 **Defendants.**

[Exempt from fees pursuant to
Government Code Section 6103]

Case No.: _____

21 **COMPLAINT FOR**
22 **PERMANENT INJUNCTION,**
23 **CIVIL PENALTIES AND**
24 **OTHER EQUITABLE**
25 **RELIEF**

(Health & Saf. Code, Div. 20,
Chapters 6.5 and 6.95; Bus. &
Prof. Code, § 17200 *et seq.*, Labor
Code § 6300 *et seq.*, California
Fire Code)

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12 **Attorneys for Plaintiff, People of the State of California**

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15 **PLAINTIFF, PEOPLE OF THE STATE OF CALIFORNIA**, based on information
16 and belief, alleges as follows:

17 **PLAINTIFF**

18 1. Plaintiff, PEOPLE OF THE STATE OF CALIFORNIA ("People"), brings this
19 action by and through Edmund G. Brown Jr., Attorney General of the State of California
20 ("Attorney General"), and by and through Rocky Delgadillo, City Attorney of the City of Los
21 Angeles; Steve Cooley, District Attorney of Los Angeles County; Dean D. Flippo, District
22 Attorney of Monterey County; Rod Pacheco, District Attorney of the County of Riverside; James
23 P. Willett, District Attorney of San Joaquin County; and Dolores A. Carr, District Attorney of the
24 County of Santa Clara (collectively "Local Prosecutors").

25 2. Pursuant to California Health and Safety Code section 25145.4, the Attorney
26 General may bring a civil action in the name of the People of the State of California to enjoin any
27 violation of Chapter 6.5 of Division 20 of the California Health and Safety Code (hereinafter
28 "Chapter 6.5") and to seek civil penalties for violations of the provisions of Chapter 6.5.

1 3. Pursuant to California Health and Safety Code section 25182, the Local
2 Prosecutors at the request of a unified program agency may bring a civil action in the name of th
3 People of the State of California to enjoin any violation of Chapter 6.5 and to seek civil penalties
4 for violations of the provisions of Chapter 6.5 which are under the jurisdiction of the unified
5 program agency. Several local agencies, environmental health departments, and unified program
6 agencies have requested the Local Prosecutors to bring a civil action in the name of the People of
7 the State of California to enjoin violations of Chapter 6.5, and to seek civil penalties for
8 violations of the provisions of Chapter 6.5 that are under the jurisdiction of the agencies.

9 4. Pursuant to the California Health and Safety Code sections 25514 and 25516.1,
10 the Attorney General and the Local Prosecutors may bring an action for civil penalties for
11 violations of California Health and Safety Code sections 25503.5 to 25505, inclusive, and
12 sections 25508 to 25520, inclusive. Pursuant to California Health and Safety Code section
13 25516, the Local Prosecutors, when requested by an administering agency, may bring an action to
14 enjoin a violation of Chapter 6.95 of Division 20 of the California Health and Safety Code
15 (hereinafter "Chapter 6.95"). Several administering agencies have requested the Attorney
16 General and the Local Prosecutors to bring an action to enjoin violations of Chapter 6.95, and to
17 seek civil penalties for violations of the provisions of Chapter 6.95 that are under the jurisdiction
18 of the agencies.

19 5. Pursuant to California Business and Professions Code sections 17203, 17204, and
20 17206, the Attorney General and the Local Prosecutors may bring actions in the name of the
21 People of the State of California in a superior court for an injunction against any person who
22 engages, had engaged, or proposes to engage in unfair competition and for civil penalties for each
23 act of unfair competition.

24 6. As adopted in Part 9 of Title 24 of the California Code of Regulations, the
25 California Fire Code sets forth fire safety regulations consistent with nationally-recognized good
26 practices for the safeguarding, to a reasonable degree, life and property from the hazards of fire
27 explosion, and dangerous conditions arising from the storage, handling and use of hazardous
28 materials and devices, and from conditions hazardous to life or property in the use or occupancy

1 of buildings or premises. The provisions of the California Fire Code may supplement any and a
2 laws relating to fire safety, including city, local authority, or municipal ordinances, and county
3 codes and ordinances.

4 7. Plaintiff brings this action without prejudice to any other action or claims which
5 Plaintiff may have based on separate, independent and unrelated violations arising out of matters
6 or allegations that are not set forth in this Complaint.

7 DEFENDANT HOME DEPOT U.S.A., INC.

8 8. Defendant Home Depot U.S.A., Inc. (hereinafter "Home Depot") is now and, at
9 all times mentioned in this complaint was, a Delaware corporation which does and did business
10 in its own capacity and/or through affiliates in the State of California at the facilities identified in
11 Exhibit A, which is incorporated herein by reference (hereinafter collectively referred to as
12 "Covered Facilities"). Home Depot managed hazardous materials and hazardous wastes at
13 Covered Facilities that are or were owned, operated, or acquired throughout California. Home
14 Depot's principal address is 2455 Rices Ferry Road, Atlanta, Georgia. The People are informed
15 and believe, and thereon allege, that Home Depot has acquired or is an owner and/or operator of
16 some or all of the Covered Facilities. Home Depot owns or operates in California over 200
17 stores that sell hazardous materials, including pool chemicals, pesticides, fertilizers, paints,
18 ignitable liquids, aerosol products, and other flammable and corrosive materials. Home Depot
19 also generates quantities of hazardous waste from either spills and releases, or from customer
20 returns of damaged or spent packages of hazardous materials.

21 9. Defendant Home Depot is, or at all times relevant to the claims in this complaint
22 was, legally responsible for compliance with the provisions of the California Health and Safety
23 Code, including Chapters 6.5 and 6.95 of Division 20, at its Covered Facilities. The People are
24 informed and believe and thereon allege that Home Depot is responsible for the operations of
25 certain Covered Facilities in California, that Home Depot controls the hazardous materials and
26 hazardous waste management decisions at those Covered Facilities, that Home Depot is aware of
27 the hazardous materials and hazardous waste management activities at those Covered Facilities,
28 that Home Depot took actions that caused some or all of the violations alleged herein, and that

1 14. The HWCL is the California analog of the federal Resource Conservation and
2 Recovery Act, 42 U.S.C. section 6901 *et seq.* ("RCRA"). Pursuant to state and federal law, the
3 California Department of Toxic Substances Control ("DTSC") administers the HWCL in lieu of
4 federal administration of RCRA in California. (*See* Health & Saf. Code § 25101, subd. (d).)
5 Federal law prohibits California from imposing "any requirements less stringent than those
6 authorized under [RCRA]." (42 U.S.C. § 6929.)

7 15. California law – the HWCL – has in certain instances a more inclusive definition
8 of hazardous waste than does federal law. Hazardous wastes that are regulated under California
9 law but not federal law are known as "non-RCRA hazardous wastes." (Health & Saf. Code §
10 25117.9.)

11 16. Companies that accumulate or generate hazardous waste in the course of their
12 operations and send that waste offsite for management are subject to certain regulatory
13 requirements. (*See* Cal. Code Regs., tit. 22, § 66262.10 *et seq.*)

14 17. It is unlawful for any person to transport hazardous wastes unless the person holds
15 a valid registration issued by the DTSC, and it is unlawful for any person to transfer custody of a
16 hazardous waste to a transporter who does not hold a valid registration. (Health & Saf. Code §
17 25163, subd. (a).) California Code of Regulations, title 22, section 66263.11, specifies the
18 procedure for a transporter to apply to the DTSC and obtain registration as a hauler.

19 **ENFORCEMENT AUTHORITY UNDER THE HWCL**

20 18. The HWCL authorizes a Court to impose civil penalties under two distinct and
21 alternative provisions. Section 25189 of the California Health and Safety Code creates liability
22 for any negligent or intentional violation of the HWCL, or for any violation of any permit, rule,
23 regulation, standard, or requirement issued or promulgated pursuant to the HWCL. Section
24 25189.2 is a strict liability provision, which creates liability for any violation of the HWCL, or
25 for any violation of any permit, rule, regulation, standard, or requirement issued or promulgated
26 pursuant to the HWCL.

27 19. The HWCL, pursuant to California Health and Safety Code sections 25181 and
28 25184, authorizes the Court to issue an order that enjoins any ongoing or potential violation of

1 the HWCL, or any applicable rule, regulation, permit, standard, requirement, or order issued or
2 promulgated pursuant to the HWCL.

3 20. Section 25181 of the California Health and Safety Code provides that when the
4 DTSC or a unified program agency determines that any person has engaged in, is engaged in, or
5 is about to engage in any acts or practices which constitute or will constitute a violation of any
6 provision of the HWCL or any rule regulation, or requirement issued or promulgated thereunder,
7 and when requested by the DTSC or unified program agency, the Attorney General or local
8 prosecutor may make an application to the superior court for an order enjoining such acts or
9 practices, or for an order directing compliance, and upon an appropriate showing by the DTSC or
10 unified program agency that such person has engaged in or is about to engage in any such acts or
11 practices, a permanent or temporary injunction, restraining order, or other order may be granted.

12 21. California Health and Safety Code section 25184 provides that in civil actions
13 brought pursuant to the HWCL in which an injunction or temporary restraining order is sought:

14 it shall not be necessary to allege or prove at any stage of the proceeding that
15 irreparable damage will occur should the temporary restraining order, preliminary
16 injunction, or permanent injunction not be issued; or that the remedy at law is
inadequate, and the temporary restraining order, preliminary injunction, or permanent
injunction shall issue without such allegations and without such proof.

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18 22. The HWCL, in sections 25180 and 25185, authorizes the California DTSC, and
19 properly designated local health agencies and unified program agencies, to enforce the standards
20 codified in Chapter 6.5 and the regulations adopted pursuant to the California Health and Safety
21 Code, and to conduct inspections.

22 GENERAL ALLEGATIONS

23 23. Plaintiff and Defendant Home Depot entered into a series of agreements to toll
24 any applicable statute of limitations. As a result of these agreements, the period of time from
25 July 25, 2005, through the date of the filing of the Complaint herein, inclusive, (the "Tolling
26 Period"), will not be included in computing the time limited by any statute of limitations under
27 the causes of action against Home Depot that may arise out of claims covered by the tolling
28 agreement. Those claims include the claims that are brought in this action against Home Depot.

1 24. During times relevant to the allegations set forth in this Complaint, Home Depot
2 collected hazardous wastes that had been created, released, spilled, generated, or accumulated at
3 stores and placed those hazardous wastes in buckets of varying colors for offsite disposal. Hom
4 Depot used several waste haulers to pick up and transport for disposal at licensed disposal
5 facilities those hazardous wastes collected and stored at Home Depot stores in California.
6 During 2004, one of the haulers collecting and transporting hazardous wastes from Home Depot
7 stores in California was Slate Transportation Services ("Slate") who was subcontracted through
8 Environmental Industries ("EI"). Home Depot subsequently learned that Slate was not licensed
9 nor authorized by the California Department of Toxic Substances Control ("DTSC") in 2004 to
10 collect or transport hazardous waste in the state of California.

11 25. On the morning of May 13, 2004, an employee of Slate arrived at a Home Depot
12 facility in Playa del Rey, California. At the Home Depot store, the Slate employee handled the
13 hazardous materials and hazardous wastes stored in 5-gallon buckets at the Home Depot store by
14 combining the contents of the buckets into larger 55-gallon drums. The contents of one of these
15 drums located at this Home Depot store exploded, causing a fire during regular business hours
16 leading to the evacuation of store employees and customers, and requiring the Los Angeles
17 County Fire Department to respond.

18 26. On May 14, 2004, a separate Slate truck was inspected by the California Highway
19 Patrol (CHP) and the DTSC in Ripon, California, located in San Joaquin County. That particular
20 Slate truck was pulling a trailer that contained numerous drums, other containers, and buckets of
21 hazardous waste which had been collected from Home Depot stores and other businesses in
22 California. DTSC concluded that Slate improperly stored and labeled the hazardous wastes and
23 hazardous materials, and had not completed the required hazardous waste transportation
24 manifests for hazardous materials and hazardous wastes being transported in that truck.

25 27. Throughout 2004, up until at least May of 2004, Slate was not licensed nor
26 authorized by the DTSC to collect or transport hazardous waste in the state of California.

27 28. In March of 2005, the Attorney General's Office, along with the District Attorney
28 of San Joaquin, received from DTSC information related to an investigation of Slate for

1 numerous violations of hazardous waste transportation laws. The Attorney General's Office and
2 the District Attorney of San Joaquin County joined with the District Attorneys' offices in Los
3 Angeles County, Riverside County, Monterey County, and Santa Clara County, and with the City
4 Attorney of Los Angeles to coordinate investigation of Slate and Home Depot. The investigation
5 focused on violations of California state and municipal laws regarding illegal storage, treatment,
6 transportation, and disposal of hazardous wastes, as well as compliance with fire code and
7 hazardous materials management plan requirements for each Home Depot store and facility in
8 California. The investigation revealed that violations had been observed at certain Home Depot
9 stores in the State of California during the preceding years, including violations that were
10 observed after the Playa del Rey fire.

11 29. Plaintiff is informed and believes and thereupon alleges that Defendants have
12 violated provisions of the following statutes, including implementing regulations associated with
13 each of the statutes and any related permit, rule, standard, or requirement issued or promulgated
14 pursuant to these statutes and any similar and related federal statutes and municipal and local
15 ordinances, at Covered Facilities within the time period applicable to this action: Chapter 6.5 of
16 the California Health and Safety Code, section 25100 *et seq.*, Chapter 6.95 of the California
17 Health and Safety Code, section 25500 *et seq.*, Division 5, Chapters 1-8 of the California Labor
18 Code, section 6300 *et seq.*, with respect to hazardous substances, hazardous materials, and
19 hazardous waste handling procedures and requirements; local state and Uniform Fire Codes,
20 including but not limited to the Uniform Fire Code and the California Fire Code; and parts of the
21 California Vehicle Code with respect to hazardous substances, hazardous materials, and
22 hazardous waste handling procedures and requirements.

23 30. Plaintiff is informed and believes and thereupon alleges that Defendants engaged
24 in conduct or failed to act in a manner that violated provisions of the statutory and legal
25 requirements identified in Paragraph 29, including but not limited to the following:

26 a. Operate facilities in a manner to minimize the possibility of a fire,
27 explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste
28 constituents to air, soil, or surface water which could threaten human health or the environment;

1 and, manage, identify the date of accumulation, and label containers of hazardous waste, in
2 accordance with California Code of Regulations, title 22, section 66262.34;

3 b. Label containers of hazardous waste before transporting or offering
4 hazardous waste for transportation off-site at facilities, in accordance with California Code of
5 Regulations, title 22, section 66262.31;

6 c. Transfer custody of hazardous wastes to a transporter that holds a valid
7 registration issued by the DTSC; and, engaging in the transportation of hazardous waste at, to,
8 from and between facilities without a valid registration issued by the DTSC, in violation of
9 California Health and Safety Code section 25163;

10 d. Prepare hazardous waste manifests and retain manifests in accordance
11 with California Code of Regulations, title 22, section 66260 *et seq.*;

12 e. Report to an administering agency releases of hazardous materials at
13 facilities in accordance with California Health and Safety Code section 25507, subdivision (a);

14 f. Establish and implement business plans for its facilities, including training
15 in safety procedures in the event of a release, in accordance with the requirements of California
16 Health and Safety Code section 25504;

17 g. Maintain inventories of hazardous materials submit and certify a business
18 plan, or modify when necessary, for facilities in accordance with California Health and Safety
19 Code sections 25505, 25509, and 25510;

20 h. Have material safety data sheets for all regulated hazardous materials
21 readily available on the premises in accordance with California Fire Code section 8001.6, and
22 have secondary containment for hazardous materials present at facilities in accordance with the
23 law;

24 i. Comply with the requirements of the Uniform Fire Code as adopted by the
25 California Fire Code, sections 8001 *et seq.*, and numerous local ordinances in violation of
26 uniform and other fire code provisions;

27 j. Comply with the requirements of the California Labor Code and numerous
28 regulations governing workplace safety standards in violation of Labor Code provisions.

1 k. Comply with the requirements of numerous local ordinances in violation
2 of California Business and Professions Code section 17200 *et seq.*

3 31. Defendants' noncompliance threatened public health and safety and the
4 environment.

5 **FIRST CAUSE OF ACTION**
6 **Intentional and Negligent Violations of Hazardous Waste Control Laws**
7 **(California Health & Safety Code Section 25189 and Implementing Regulations)**

8 32. Plaintiff realleges and incorporates by reference, as though set forth in full herein,
9 the allegations contained in Paragraphs 1 through 31, inclusive, of this Complaint.

10 33. Defendants are liable for civil penalties as set forth in California Health and
11 Safety Code section 25189, subdivision (b), for each and every separate intentional violation and
12 for each and every negligent violation of any provision of Chapter 6.5 of the California Health
13 and Safety Code section 25100 *et seq.*, and any applicable permit, rule, regulation, standard, or
14 requirement issued or promulgated pursuant thereto which occurred within five years after the
15 discovery of the facts constituting grounds for commencing the action on these claims, exclusive
16 of any applicable tolling periods and those set forth in Paragraph 23 herein.

17 34. Each violation subjects Defendants to a separate and additional penalty for each
18 violation. Pursuant to section 25189 of the California Health and Safety Code, a separate civil
19 penalty must be imposed for each separate violation, and each penalty that must be imposed is
20 also separate and in addition to any other civil penalty imposed under this section and separate
21 and in addition to any other civil penalty imposed under any other provision of law.

22 35. Defendants must be immediately and permanently enjoined from further
23 violations of Chapter 6.5.

24 **SECOND CAUSE OF ACTION**
25 **Strict Liability Violations of Hazardous Waste Control Laws**
26 **(California Health & Safety Code Section 25189.2 and Implementing Regulations)**

26 36. Plaintiff realleges Paragraphs 1 through 35, inclusive.

27 37. Defendants are liable for civil penalties as set forth in California Health and
28 Safety Code section 25189.2, subdivision (b), for each and every separate violation of any

1 provision of Chapter 6.5 of the California Health and Safety Code and any applicable permit,
2 rule, regulation, standard, or requirement issued or promulgated pursuant thereto which occurred
3 within five years after the discovery of the facts constituting grounds for commencing the action,
4 exclusive of any applicable tolling periods and those set forth in Paragraph 23 herein.

5 38. Each violation subjects Defendants to a separate and additional penalty for each
6 violation under this cause of action. However, pursuant to section 25189.2, subdivision (d), of
7 the California Health and Safety Code, no liability for a civil penalty under section 25189.2 may
8 be imposed for the same act or failure to act if a separate civil penalty is or has been imposed for
9 that violation pursuant to section 25189 of the California Health and Safety Code.

10 39. Defendants must be immediately and permanently enjoined from further violations
11 of Chapter 6.5.

12 **THIRD CAUSE OF ACTION**
13 **(Violations of HWCL, Vehicle Codes, and Hazardous Waste Transportation Laws)**

14 40. Plaintiff realleges Paragraphs 1 through 39, inclusive.

15 41. Defendants are liable for civil penalties as set forth in California Health and
16 Safety Code section 25189, subdivision (b), for each and every separate intentional violation of
17 laws relating to transportation of hazardous waste, and for each and every negligent violation of
18 laws relating to transportation of hazardous waste, including any provision of Chapter 6.5 of the
19 California Health and Safety Code, section 25100 *et seq.*, and any applicable permit, rule,
20 regulation, standard, or requirement issued or promulgated pursuant thereto which occurred
21 within five years after the discovery of the facts constituting grounds for commencing the action
22 on these claims, exclusive of any applicable tolling periods and those set forth in Paragraph 23
23 herein. Defendants also are liable for separate and additional civil penalties as set forth in
24 applicable provisions of Divisions 14.1, 14.7, and 14.8 of the California Vehicle Code, section
25 32000 *et seq.*, for each and every separate violation.

26 42. Each violation subjects Defendants to a separate and additional penalty for each
27 violation. Pursuant to section 25189 of the California Health and Safety Code, a separate civil
28 penalty must be imposed for each separate violation, and each penalty that must be imposed is

1 also separate and in addition to any other civil penalty imposed under this section and separate
2 and in addition to any other civil penalty imposed under any other provision of law.

3 43. Defendants must be immediately and permanently enjoined from further
4 violations of Chapter 6.5.

5 **FOURTH CAUSE OF ACTION**
6 **(Violations of Hazardous Materials Release Response Plans and Inventory Laws)**

7 44. Plaintiff realleges Paragraphs 1 through 43, inclusive.

8 45. Defendants are liable for civil penalties as set forth in California Health and
9 Safety Code section 25514 for each and every separate violation of California Health and Safety
10 Code sections 25503.5 to 25505, inclusive, and sections 25508 to 25510,, inclusive, and any
11 applicable permit, rule, regulation, standard, or requirement issued or promulgated pursuant
12 thereto which occurred within five years after the discovery of the facts constituting grounds for
13 commencing the action on these claims, exclusive of any applicable tolling periods and those set
14 forth in Paragraph 23 herein.

15 46. As a consequence of Defendants' violation of each of these sections, Defendants
16 are liable for a civil penalty that must be imposed for each separate violation in an amount up to
17 \$2,000.00 for each day in which the violation occurred, pursuant to California Health and Safety
18 Code section 25514, subdivision (a). Where the violation resulted in or significantly contributes
19 to an emergency, Defendants also shall be liable for the full cost of the agency emergency
20 response as well as the cost of cleaning up and disposing of the hazardous material.

21 47. As a consequence of Defendants' knowing violation of any of these sections,
22 Defendants are liable for a civil penalty that must be imposed for each separate violation in an
23 amount up to \$5,000.00 for each day in which the violation occurred, pursuant to California
24 Health and Safety Code section 25514, subdivision (b).

25 48. Defendants must be immediately and permanently enjoined from further
26 violations of Chapter 6.95.

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1 **FIFTH CAUSE OF ACTION**

2 **(Violations of California Labor Code and Title 8 of the California Code of Regulations)**

3 49. Plaintiff realleges Paragraph 1 through 48, inclusive.

4 50. Pursuant to California Labor Code section 6300 *et seq.* and solely with respect to
5 hazardous materials and hazardous waste handling procedures and requirements, every employer
6 must furnish a place of employment that is safe and healthful for the employees, and must furnish
7 appropriate safe devices, adopt safe practices and programs, and comply with regulations,
8 requirements, orders, special orders, and workplace safety standards, such as those adopted in
9 Title 8 of the California Code of Regulations.

10 51. Defendants are liable for civil penalties, as set forth in California Labor Code
11 section 6427 *et seq.* for each and every separate violation which occurred within five years after
12 the discovery of the facts constituting grounds for commencing the action on these claims,
13 exclusive of any applicable tolling periods and those set forth in Paragraph 23 herein.

14 52. Defendants must be immediately and permanently enjoined from further
15 violations of California Labor Code section 6300 *et seq.*, and the implementing regulations
16 adopted thereunder.

17 **SIXTH CAUSE OF ACTION**

18 **(Violations of Unfair Competition Laws)**

19 53. Plaintiff realleges Paragraphs 1 through 52, inclusive.

20 54. Pursuant to California Business and Professions Code section 17206, Defendants
21 are liable for civil penalties for each and every separate violation that accrued within four years
22 of this Complaint, exclusive of any applicable tolling periods and those set forth in Paragraph 23
23 herein. Defendants have engaged in unlawful acts, omissions, and practices that constitute unfair
24 competition within the meaning of California Business and Professions Code section 17200 *et*
25 *seq.*, including but not limited to the following:

26 a. The acts or omissions and practices alleged in the FIRST through FIFTH
27 Causes of Action, above.

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1 b. The acts or omissions and practices that constitute violations of Local,
2 State, and Uniform Fire Codes, including the California Fire Code and numerous local
3 ordinances in violation of uniform and other fire code provisions.

4 55. By the acts described herein, Defendants engaged in daily acts of unlawful and/or
5 unfair competition prohibited by California Business and Professions Code sections 17200-
6 17208. Each and every separate act constitutes an unlawful and/or unfair business practice.
7 Each day that Defendants engaged in each separate unlawful act, omission or practice is a
8 separate and distinct violation of Business and Professions Code section 17200.

9 56. Defendants must be immediately and permanently enjoined, pursuant to
10 California Business and Professions Code section 17203, from engaging in activities that, as
11 alleged in this Complaint, violate Chapters 6.5 and 6.95 of Division 20 of the California Health
12 and Safety Code and implementing regulations, the Vehicle Code, the Uniform Fire Code as
13 adopted by the California Fire Code and implementing regulations and local and municipal
14 ordinances governing fire safety requirements, Labor Code section 6300 *et seq.* and
15 implementing regulations, and other local ordinances, and which thereby constitute unfair
16 competition within the meaning of California Business and Professions Code section 17200.

17 **WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:**

18 1. A Permanent Injunction requiring Defendants to comply with those provisions of
19 California Health and Safety Code, Division 20, Chapter 6.5 and implementing regulations,
20 which Defendants are alleged to have violated;

21 2. A Permanent Injunction requiring Defendants to comply with those provisions of
22 California Health and Safety Code, Division 20, Chapter 6.95 and implementing regulations,
23 which Defendants are alleged to have violated;

24 3. A Permanent Injunction prohibiting Defendants from violating California Labor
25 Code section 6300 *et seq.* and implementing regulations, which Defendants are alleged to have
26 violated;

27 4. A Permanent Injunction, issued pursuant to California Business and Professions
28 Code section 17203, prohibiting Defendants from engaging in activity that violates the provisions

1 of Chapters 6.5 and 6.95 of Division 20 of the California Health and Safety Code, the Uniform
2 Fire Code as adopted by the California Fire Code, and Labor Code section 6300 *et seq.*, as
3 alleged in this complaint which thereby constitute unfair competition within the meaning of
4 California Business and Professions Code section 17200;

5 5. Civil penalties according to proof against Defendants pursuant to California
6 Health and Safety Code section 25189, subdivision (b), in an amount according to proof;

7 6. Civil penalties according to proof against Defendants pursuant to California
8 Health and Safety Code section 25189.2, subdivision (b), in an amount according to proof;

9 7. Civil penalties according to proof against Defendants pursuant to California
10 Health and Safety Code section 25514, in an amount according to proof;

11 8. Civil penalties according to proof against Defendants pursuant to California
12 Business and Professions Code section 17206 for each act of unfair competition engaged in by
13 Defendants in an amount according to proof;

14 9. Grant the Plaintiff its cost of inspection, investigation, attorneys fees,
15 enforcement, prosecution, and suit, herein, including but not limited to such costs as are
16 authorized for reimbursement pursuant to Code of Civil Procedure section 1021.8; and;

17 10. Grant such other and further relief as the Court deems just and proper.

18 RESPECTFULLY REQUESTED:

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20 Dated: August 13, 2007

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EDMUND G. BROWN JR., Attorney General
of the State of California
TOM GREENE
Chief Assistant Attorney General
THEODORA P. BERGER
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Attorneys for Plaintiff
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